

Absent—Excused

Chadick
MauritzVick
Weinert

The Senate, accordingly, at 1:15 o'clock p. m. adjourned until 10:30 o'clock a. m. tomorrow.

FIFTY-SIXTH DAY

(Wednesday, April 23, 1947)

The Senate met at 10:30 o'clock a. m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Lane
Brown	Moffett
Bullock	Morris
Carney	Parrish
Cousins	Phillips
Crawford	Proffer
Hardeman	Ramsey
Harris	Stanford
Hazlewood	Strauss
Jones	Taylor
Kelly of Tarrant	Tynan
Knight	Winfield

A quorum was announced present.

Reverend J. E. Chester, Chaplain, offered the invocation.

On motion of Senator Strauss, and by unanymous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal approved.

Leaves of Absence Granted

Senator Chadick was granted leave of absence for today on account of important business on motion of Senator Carney.

Senator Kelley of Hidalgo was granted leave of absence for today on account of important business on motion of Senator Kelly of Tarrant.

(President pro tempore in the Chair.)

Reports of Standing Committees

Senator Jones submitted the following reports:

Austin, Texas,
April 23, 1947.

Hon. Allan Shivers, President of the Senate.

Sir: Your Committee on Coun-

ties and County Boundaries, to whom was referred Senate Bill 401, instructs me to report it back to the Senate with the recommendation that it do pass and be not printed.

JONES, Chairman.

Austin, Texas,
April 22, 1947.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred House Bill No. 613, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

JONES, Chairman.

Senator Tynan submitted the following report:

Austin, Texas,
April 22, 1947.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Public Health, to whom was referred House Bill No. 40, have had same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be mimeographed.

TYNAN, Chairman.

Senator Bullock submitted the following report:

Austin, Texas,
April 22, 1947.

Hon. Allan Shivers, President of the Senate.

We, your Committee on Education, to whom was referred House Bill No. 788, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

BULLOCK, Chairman.

Senate Resolution 90

(Extending Good Wishes to Mrs. W. Lacy Stewart)

Senator Crawford offered the following resolution:

Whereas, Today the Senate of the Fiftieth Legislature of the State of Texas will have the pleasure of welcoming Mrs. W. Lacy Stewart to its membership; and

Whereas, The voters of the Sixteenth Senatorial District have selected Mrs. Stewart as their choice of a worthy successor to her husband,

whose able public carer was cut so short; and

Whereas, As the wife of the late Senator from Harris County, Mrs. Stewart is already known to the members of the Senate, who admire and respect her for her own fine qualities; and

Whereas, The Senate wishes to take this occasion to express its feeling of warm friendship for a new colleague; now, therefore, be it

Resolved, That the new Senator from Harris County, Mrs. W. Lacy Stewart, be hereby assured of the cooperation and good wishes of her associates in her service to the State; and, be it further

Resolved, That the Secretary of the State be instructed to forward a copy of this resolution to the proper authorities.

Signed—Allan Shivers, Lieutenant Governor; Senators Aikin, Brown, Bullock, Carney, Chadick, Cousins, Crawford, Hardeman, Harris, Hazlewood, Jones, Kelley of Hidalgo, Kelly of Tarrant, Knight, Lane, Mauritz, Moffett, Morris, Parrish, Phillips, Proffer, Ramsey, Stanford, Strauss, Taylor, Tynan, Weinert, Winfield, Vick, York.

The resolution was read.

On motion of Senator Bullock, the names of the Lieutenant Governor and all members of the Senate were added to the resolution as signers thereof.

The resolution was adopted unanimously.

Senate Concurrent Resolution 31

Senator Phillips offered the following resolution:

S. C. R. No. 31, Inviting Hollywood Stars to appear before a Joint Session.

Whereas, Jack Benny, Phil Harris, Alice Faye, Dennis Day and other nationally famous movie and radio stars, will be in Galveston on the night of April 28, and in Houston on the night of April 29, to give their talent for Texas City blast victims; and

Whereas, This wonderful gesture on the part of these stars in making a special trip to Texas to help out in the drive for relief funds for the citizens of Texas City is worthy of recognition by the Legislature of Texas; and

Whereas, It would be a pleasure and a privilege for the Fiftieth Legis-

lature of the State of Texas to have them appear before a joint session during their visit to Texas; now, therefore, be it

Resolved, By the Senate of Texas of the Fiftieth Legislature of Texas, the House of Representatives concurring, that a cordial invitation be extended to these Hollywood stars appearing in the Texas City benefit performances, to appear before a Joint Session to be held for that purpose at any time during their visit to Texas.

On motion of Senator Phillips, and by unanimous consent, the resolution was considered immediately and was adopted.

Message from the House

Hall of the House of Representatives,
Austin, Texas,
April 23, 1947.

Hon. Allan Shivers, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills and resolutions:

H. C. R. No. 91, Instructing the Enrolling Clerk to make certain corrections in House Bill No. 273.

H. B. No. 11, A bill to be entitled "An Act creating Lamar State Technological College at Beaumont, Texas; providing for work at said college suitable to a college of sciences, industries, business, arts, general education, and technical education; providing for the organization, control and management thereof, the appointment of a board of regents and the selection of a president, the division of its work into branches of sciences, industries, business, arts, education and technical training; providing for the granting of appropriate degrees and giving of special courses in certain subjects; providing for the acquisition of additional land where necessary for the enlargement of the work of said college; granting to said college the right of eminent domain; requiring biennial reports to the Legislature; making an appropriation for said college, providing that the college hereby created shall not institute or offer any educational courses herein provided for unless and until suitable arrangements are made with the Lamar Union Junior College District of

Jefferson County, Texas, for the acquisition or use of its corporeal properties and facilities; providing all necessary details to accomplish the purpose of this act; repealing all laws and parts of laws in conflict with this act; providing a savings clause; and declaring an emergency."

H. J. R. No. 7, Proposing an amendment to Section 3, Article IV, of the Constitution of the State of Texas, so as to provide for a special election of the office of Governor in the event the Governor-elect dies, resigns, or in any manner becomes incapacitated before taking his oath of office as Governor; providing for the issuance of the necessary proclamation by the Governor; and making an appropriation.

H. B. No. 52, A bill to be entitled "An Act providing for and regulating appropriations for moneys in the State Treasury not otherwise appropriated to supplement local funds for the support, maintenance, operation, and improvement of the Public Junior Colleges of Texas as named in this Act; providing all funds allocated under the provisions of this Act with the exception of those necessary for paying the costs of audits as provided herein shall be used exclusively for the purpose of paying salaries of the instructional forces of the several institutions; providing for an annual appropriation of Nine Hundred Twenty-five Thousand Dollars (\$925,000) for each of the fiscal years beginning September 1, 1947, and September 1, 1947, respectively and for allocation thereof; determining the eligibility of a Public Junior College and providing for collection of certain fees from students; defining the term "full-time student" and excepting certain students; providing for disposition of unused funds; providing no funds shall be paid to any institution under the provisions of this Act until payment has been approved by the State Auditor after he has audited the books and providing the cost of auditing the books for the institution shall be paid out of the funds allocated herein; and declaring an emergency."

Respectfully submitted,
CLARENCE JONES,
Chief Clerk, House of Representatives.

(President in the Chair.)

House Concurrent Resolution 89

The President laid before the Senate for consideration at this time:

H. C. R. No. 89, Recalling House Bill No. 129 from the Governor's office.

The resolution was read and was adopted.

House Concurrent Resolution 80

The President laid before the Senate for consideration at this time:

H. C. R. No. 80, Authorizing the Enrolling Clerk of the House to correct the caption to conform to the body of House Bill 508.

The resolution was read and was adopted.

Senate Resolution 91

(Extending Privileges of Floor)

Senator Strauss offered the following resolution:

Whereas, The Honorable Henry S. Paulus of Yoakum, Lavaca County, Texas, is visiting in the City of Austin, and is now present in the gallery of the Senate, and

Whereas, Mr. Paulus is the son of a former distinguished member of this body, the late Honorable D. A. Paulus of Lavaca County, and

Whereas, He is a former member of the Board of Regents of the Teachers Colleges of Texas and former District Attorney of the 25th Judicial District of Texas, now, therefore be it

Resolved, By the Senate that Mr. Henry S. Paulus be accorded a hearty welcome and be extended the privileges of the floor for the day.

The resolution was read and was adopted.

Message from the House

Hall of the House of Representatives,
Austin, Texas,
April 23, 1947.

Hon. Allan Shivers, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolution:

S. C. R. No. 29, Commending the officers and directors of the Lone Star Steel Company for their untiring efforts in behalf of the industries and

economic development of the State of Texas, etc.

Respectfully submitted,
CLARENCE JONES,
Chief Clerk House of Representatives.

House Concurrent Resolution 57

On motion of Senator Carney, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

H. C. R. No. 57, Requesting the Governor to issue a proclamation naming Dr. O. J. Chastain Ambassador of Good Will to the Baptist World Alliance in Copenhagen, Denmark.

The resolution was read and was adopted.

House Bill 501 on Second Reading

Senator Morris moved to suspend the regular order of business to take up House Bill No. 501 for consideration at this time.

The motion prevailed by the following vote:

Yeas—24

Aikin	Lane
Brown	Moffett
Bullock	Morris
Carney	Parrish
Cousins	Phillips
Crawford	Proffer
Hardeman	Ramsey
Harris	Stanford
Hazlewood	Strauss
Jones	Taylor
Kelly of Tarrant	Tynan
Knight	Winfield

Absent

Vick York

Absent—Excused

Chadick Mauritz
Kelley of Hidalgo Weinert

The President then laid the bill before the Senate on its second reading and passage to third reading:

H. B. No. 501, A bill to be entitled "An Act requiring County Commissioners' Courts to compensate sheriffs and their deputies for transportation or furnish adequate transportation within the State; and declaring an emergency."

The bill was read second time.

Senator Morris offered the following amendment to the bill:

Amend H. B. No. 501, Section 1, line 2 by striking out the words "are authorized" and substituting the words "are limited."

Pending consideration of the amendment, Senator Aikin occupied the Chair temporarily.

(President in the Chair.)

Senator Harris moved to table the amendment.

Question—Shall the motion to table prevail?

Senate Bill 402 on First Reading

Senator Hazlewood moved that the rules adopted pursuant to Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time a bill the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—26

Aikin	Moffett
Brown	Morris
Bullock	Parrish
Carney	Phillips
Cousins	Proffer
Crawford	Ramsey
Hardeman	Stanford
Harris	Strauss
Hazlewood	Taylor
Jones	Tynan
Kelly of Tarrant	Vick
Knight	Winfield
Lane	York

Absent—Excused

Chadick Mauritz
Kelley of Hidalgo Weinert

The following bill then was introduced, read first time and referred to the Committee on Aeronautics.

S. B. No. 402, A bill to be entitled "An Act amending Acts 1945, 49th Legislature, page 580, Chapter 344, Section 3, increasing the membership of the Texas Aeronautics Commission, making and fixing their terms; and amending Section 4, providing for the number of members constituting a quorum; and declaring an emergency."

Senate Joint Resolution 14 on First Reading

Senator Hazlewood moved that the

rules adopted pursuant to Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time a resolution, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—26

Aikin	Moffett
Brown	Morris
Bullock	Parrish
Carney	Phillips
Cousins	Proffer
Crawford	Ramsey
Hardeman	Stanford
Harris	Strauss
Hazlewood	Taylor
Jones	Tynan
Kelly of Tarrant	Vick
Knight	Winfield
Lane	York

Absent—Excused

Chadick	Mauritz
Kelley of Hidalgo	Weinert

The following resolution then was introduced, read first time and referred to the Committee on Constitutional Amendments.

S. J. R. No. 14, Proposing an amendment to Article V, Section 7 of the Constitution of the State of Texas to provide that the Judge of the District Courts shall conduct its proceedings at the county seat of the county in which the case is pending, except as otherwise provided by law; providing for election proclamation and submission to qualified electors of the State; and making an appropriation.

Resolution Signed

The President signed in the presence of the Senate, after giving due notice thereof, the following resolution:

S. C. R. No. 30, Recalling S. B. No. 367 from the Governor's office for correction.

House Bills and Resolution on First Reading

The following House bills and resolution received from the House today, were laid before the Senate, read first time, and referred to the committees indicated:

H. B. No. 11, to Committee on Finance.

H. B. No. 52, to Committee on Finance.

H. J. R. No. 7, to Committee on Constitutional Amendments.

Oath of Office Administered

The President announced that Mrs. Lacy Stewart, Senator-Elect from Harris County, was within the Senate Chamber and appointed Senators Ramsey, Cousins and Harris as a committee to escort Mrs. Stewart to the bar of the Senate.

Mrs. Lacy Stewart from Harris County, presented her credentials of election to the Senate; and there being no objection on the part of the Senate, the President then administered to her the constitutional oath of office.

At Ease

At 11:15 o'clock a. m., the President announced that the Senate would stand at ease subject to the call of the Chair.

The President called the Senate to order at 12:05 o'clock p. m.

Recess

On motion of Senator Aikin, the Senate, at 12:05 o'clock p. m., took recess to 2:30 o'clock p. m., today.

Afternoon Session

The Senate met at 2:30 o'clock p. m., and was called to order by the President.

Reports of Standing Committees

By unanimous consent, the following reports were submitted at this time:

Austin, Texas,
April 23, 1947.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred H. B. No. 472, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be mimeographed.

MOFFETT, Chairman.

Austin, Texas,
April 23, 1947.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred House Bill 579, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

JONES, Chairman.

Austin, Texas,
April 23, 1947.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Towns and City Corporations, to whom was referred House bill 724, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

JONES, Chairman.

Austin, Texas,
April 23, 1947.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Towns and City Corporations, to whom was referred House Bill 723, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

JONES, Chairman.

Austin, Texas,
April 23, 1947.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred House Bill 582, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

JONES, Chairman.

Austin, Texas,
April 23, 1947.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred House Bill 580, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

JONES, Chairman.

Austin, Texas,
April 22, 1947.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred House Bill 597, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

JONES, Chairman.

Message from the House

Hall of the House of Representatives.

Austin, Texas,
April 23, 1947.

Hon. Allan Shivers, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following Bill:

S. B. No. 374, A bill to be entitled "An Act making appropriations for the support, maintenance and improvement of the Eleemosynary and Reformatory Institutions of the State of Texas for the two-year period beginning September 1, 1947, and ending August 31, 1949; and prescribing certain regulations and restrictions in respect to the expenditure of said appropriations; and declaring an emergency." (With amendments.)

Respectfully submitted,

CLARENCE JONES,

Chief Clerk, House of Representatives.

House Bill 501 on Passage to Third Reading

The Senate resumed consideration of pending business, same being House Bill No. 501 on its passage to third reading, with an amendment by Senator Morris and a motion by Senator Harris to table the amendment, pending.

Question—Shall the motion to table prevail?

Question recurring on the motion to table the amendment, yeas and nays were demanded.

The motion was lost by the following vote:

Yeas—6

Aikin	Proffer
Harris	Tynan
Kelly of Tarrant	Winfield

Nays—18

Brown	Moffett
Bullock	Morris
Carney	Parrish
Cousins	Phillips
Crawford	Ramsey
Hardeman	Stanford
Jones	Strauss
Knight	Vick
Lane	York

Present—Not Voting

Stewart

Absent

Hazlewood Taylor

Absent—Excused

Chadick	Mauritz
Kelley of Hidalgo	Weinert

Question then recurring on the amendment, it was adopted.

Senator Hardeman offered the following amendment to the bill:

Amend House Bill No. 501 by striking out subsection (b) of Sec. 1.

Senator Morris moved to table the amendment.

Yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—18

Brown	Morris
Bullock	Phillips
Carney	Proffer
Cousins	Ramsey
Crawford	Stanford
Jones	Strauss
Knight	Tynan
Lane	Vick
Moffett	York

Nays—6

Aikin	Hazlewood
Hardeman	Kelly of Tarrant
Harris	Winfield

Present—Not Voting

Stewart

Absent

Parrish Taylor

Absent—Excused

Chadick	Mauritz
Kelley of Hidalgo	Weinert

Senator Ramsey offered the following amendment to the bill:

Amend House Bill No. 501 by adding subdivision (d) to Section 1, to read as follows:

(d) All compensation paid under the provisions of this Act shall be upon a sworn statement of such sheriff.

The amendment was adopted.

Senator Strauss offered the following amendment to the bill:

Amend House Bill No. 501:

Section 1, Subsection (c) by striking out the words six cents (6c) and substituting therefor the words five cents (5c) and striking out the words ten cents (10c) and substituting therefor the words eight cents (8c).

Senator Morris moved to table the amendment.

Yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—14

Brown	Moffett
Bullock	Morris
Carney	Parrish
Cousins	Phillips
Crawford	Stanford
Knight	Tynan
Lane	York

Nays—9

Aikin	Kelly of Tarrant
Hardeman	Proffer
Harris	Strauss
Hazlewood	Winfield
Jones	

Present—Not Voting

Stewart

Absent

Ramsey	Vick
Taylor	

Absent—Excused

Chadick	Mauritz
Kelley of Hidalgo	Weinert

House Bill No. 501 was passed to third reading.

House Bill 501 on Third Reading

Senator Morris moved that the constitutional rule requiring bills to be read on three several days be suspended and that House Bill No. 501

be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—20

Aikin	Moffett
Brown	Morris
Bullock	Phillips
Carney	Proffer
Cousins	Stanford
Crawford	Strauss
Hazlewood	Tynan
Jones	Vick
Knight	Winfield
Lane	York

Nays—3

Hardeman	Kelly of Tarrant
Harris	

Present—Not Voting

Stewart

Absent

Parrish	Taylor
Ramsey	

Absent—Excused

Chadick	Kelley of Hidalgo
Mauritz	Weinert

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—24

Aikin	Lane
Brown	Moffett
Bullock	Morris
Carney	Phillips
Cousins	Proffer
Crawford	Ramsey
Hardeman	Stanford
Harris	Strauss
Hazlewood	Tynan
Jones	Vick
Kelly of Tarrant	Winfield
Knight	York

Present—Not Voting

Stewart

Absent

Parrish	Taylor
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Absent—Excused

Chadick	Mauritz
Kelley of Hidalgo	Weinert

Senate Resolution 92

(Extending welcome to Senior Class of Rockdale High School.)

Senator Vick offered the following resolution:

Whereas, Mrs. Ida Jo Marshall, Senior Class Sponsor, and students of the Senior Class of the Rockdale High School of Rockdale, Texas, are in the City of Austin and are now present in the gallery of the Senate; now, therefore, be it

Resolved, By the Senate of Texas, that Mrs. Ida Jo Marshall and the students be officially welcomed to the State Capitol.

The resolution was read and was adopted.

House Bill 44 Re-referred

Senator Strauss moved that House Bill No. 44 be withdrawn from the Committee on State Affairs and re-referred to the Committee on Finance.

Yeas and nays were demanded.

The motion prevailed by the following vote:

Yeas—18

Aikin	Phillips
Cousins	Proffer
Crawford	Ramsey
Hardeman	Stanford
Harris	Strauss
Jones	Taylor
Kelly of Tarrant	Tynan
Knight	Winfield
Parrish	York

Nays—8

Brown	Lane
Bullock	Moffett
Carney	Morris
Hazlewood	Vick

Present—Not Voting

Stewart

Absent—Excused

Chadick	Mauritz
Kelley of Hidalgo	Weinert

House Bill 721 on Second Reading

On motion of Senator Parrish, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time, on its second reading and passage to third reading:

H. B. No. 721, A bill to be entitled "An Act authorizing the Board of Directors of Texas Technological College to lease not exceeding three (3) acres of land a part of the campus of said college to the United States Government, the Army, Navy, or other department or agency thereof for the purpose of erecting and maintaining on said land an armory building or other buildings for military instruction; and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 721 on Third Reading

Senator Parrish moved that the constitutional rule requiring bills to be read on three several days be suspended and that House Bill No. 721 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

Aikin	Morris
Brown	Parrish
Bullock	Phillips
Carney	Proffer
Cousins	Ramsey
Crawford	Stanford
Hardeman	Stewart
Harris	Strauss
Hazlewood	Taylor
Jones	Tynan
Kelly of Tarrant	Vick
Knight	Winfield
Lane	York
Moffett	

Absent—Excused

Chadick	Mauritz
Kelley of Hidalgo	Weinert

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Ceas—27

Aikin	Hazlewood
Brown	Jones
Bullock	Kelly of Tarrant
Carney	Knight
Cousins	Lane
Crawford	Moffett
Hardeman	Morris
Harris	Parrish

Phillips	Taylor
Proffer	Tynan
Ramsey	Vick
Stanford	Winfield
Stewart	York
Strauss	

Absent—Excused

Chadick	Mauritz
Kelley of Hidalgo	Weinert

Appointment on Standing Committees

The President announced the appointment of Mrs. Lacy Stewart, the Senator from Harirs, to membership on the following standing committees:

Congressional Districts.
Counties and County Boundaries.
Criminal Jurisprudence.
Enrolled Bills (Chairman).
Insurance.
Labor.
Oil, Gas and Conservation.
Representative Districts.
Senatorial Districts.
State Affairs.

Senate Bill 190 Set as Special Order

Senator Jones moved that Senate Bill No. 190 be set as a special order for Monday, April 28, 1947, immediately following the morning call.

The motion prevailed by the following vote:

Yeas—18

Brown	Kelly of Tarrant
Bullock	Knight
Carney	Parrish
Cousins	Proffer
Crawford	Strauss
Hardeman	Tynan
Harris	Vick
Hazlewood	Winfield
Jones	York

Nays—8

Aikin	Phillips
Lane	Ramsey
Moffett	Stanford
Morris	Taylor

Present—Not Voting

Stewart

Absent—Excused

Chadick	Mauritz
Kelley of Hidalgo	Weinert

House Bill 82 on Second Reading

On motion of Senator Stanford, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 82, A bill to be entitled "An Act amending Section 2 of Article 2368a of Vernon's Annotated Civil Statutes of Texas, Acts 1931, Forty-second Legislature, page 269, Chapter 163, providing that no Commissioners Court and no city in this State shall make a contract calling for or requiring the expenditure or payment of Two Thousand Dollars (\$2,000) or more out of any fund or funds of any county or subdivision of any county or city, without first submitting such proposed contract to competitive bids; and declaring an emergency."

The bill was read second time and passed to third reading.

House Bill 82 on Third Reading

Senator Stanford moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 82 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

Aikin	Morris
Brown	Parrish
Bullock	Phillips
Carney	Proffer
Cousins	Ramsey
Crawford	Stanford
Hardeman	Stewart
Harris	Strauss
Hazlewood	Taylor
Jones	Tynan
Kelly of Tarrant	Vick
Knight	Winfield
Lane	York
Moffett	

Absent—Excused

Chadick	Mauritz
Kelley of Hidalgo	Weinert

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Reports of Standing Committees

By unanimous consent, the following reports were submitted at this time:

Austin, Texas,
April 23, 1947.

Hon Allan Shivers, President of the Senate.

Sir: We, your Committee on Finance to whom was referred House Bill No. 623, have had the same under consideration and report back to the Senate with the recommendation that it do pass and be not printed.

TAYLOR, Chairman.

Austin, Texas,
April 23, 1947.

Hon Allan Shivers, President of the Senate.

Sir: We, your Committee on Education, to whom was referred House Bill No. 406, have had same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

BULLOCK, Chairman.

Austin, Texas,
April 23, 1947.

Hon Allan Shivers, President of the Senate.

Sir: We, your Committee on Education, to whom was referred House Bill No. 407, have had same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

BULLOCK, Chairman.

House Bill 54 on Second Reading

On motion of Senator Carney, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time, on its second reading and passage to third reading:

H. B. No. 54, A bill to be entitled "An Act amending Article 2687 of the Revised Civil Statutes of the State of Texas, 1925, as amended by the Acts of 49th Legislature, 1945, to allow county school trustees per diem of six (\$6.00) Dollars, limiting the amount of per diem which can be collected in any one year, providing for payment of the per diem from the County Available School

fund upon sworn account approved by the County Superintendent, and declaring an emergency."

The bill was read second time.

Senator Proffer offered the following amendment to the bill:

Amend H. B. No. 54, line 47 by striking out the words "State and County Available School Fund" and inserting in lieu thereof as follows: "the general fund of the county."

Senator Carney moved to table the amendment.

Yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—14

Bullock	Morris
Carney	Stanford
Cousins	Taylor
Crawford	Tynan
Harris	Vick
Lane	Winfield
Moffett	York

Nays—9

Aikin	Parrish
Hardeman	Phillips
Hazlewood	Proffer
Kelly of Tarrant	Strauss
Knight	

Present—Not Voting

Stewart

Absent

Brown	Ramsey
Jones	

Absent—Excused

Chadick	Mauritz
Kelley of Hidalgo	Weinert

The bill was then passed to third reading.

House Bill 54 on Third Reading

Senator Carney moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 54 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

Aikin	Brown
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Bullock	Parrish
Carney	Phillips
Cousins	Proffer
Crawford	Ramsey
Hardeman	Stanford
Harris	Stewart
Hazlewood	Strauss
Jones	Taylor
Kelly of Tarrant	Tynan
Knight	Vick
Lane	Winfield
Moffett	York
Morris	

Absent—Excused

Chadick	Mauritz
Kelley of Hidalgo	Weinert

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Message from the House

Hall of the House of Representatives,
Austin, Texas,
April 23, 1947.

Hon. Allan Shivers, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

S. B. No. 312, A bill to be entitled "An Act to amend Article 2683, to enlarge the powers and duties of County School Trustees so as to authorize such trustees to enter into contract with the State Board of Vocational Education for the purpose of operating, administering and maintaining special schools and classes for the benefit of Veterans of World War II, and to receive money from the State for such purpose; and declaring an emergency."

S. B. No. 328, To amend Article 8283, Revised Civil Statutes of 1925, providing the requisite of wills and testaments and for the attestation thereof; etc., and declaring an emergency.

S. B. No. 375, A bill to be entitled "An Act creating and establishing a defined road district as provided in Article III, Section 52 of the Constitution, to be known as 'Trent Road District No. 1 in Taylor, Jones, Fisher, and Nolan Counties,' making same a political subdivision of the State; de-

scribing and defining said Road District by metes and bounds; making the Commissioners' Court of said counties a Board of Directors for said district; defining their powers and duties, providing for the levying, assessing and collecting of taxes in said District for road purposes; and providing for a tax collector for said District; and declaring an emergency."

S. B. No. 68, Authorizing and empowering Commissioners of drainage districts to make changes in, additions to, and improvements to the drainage system in their respective districts and to pay for same out of maintenance taxes provided by law to be assessed and collected in such districts; providing that this Act shall be cumulative; and declaring an emergency."

The House has concurred in Senate amendments to House Bill No. 501 by a vote of 69 yeas, 52 nays.

S. B. No. 101, Amending Article 1302, Chapter 1, Title 32, of the Revised Civil Statutes of Texas, 1925, by adding thereto a new subdivision to be known as "Subdivision 106," providing for the creation of private corporations for the purpose of operating a general commissary business and to buy, sell, and otherwise deal in goods, wares, merchandise, and equipment incident to such business, and declaring an emergency. (With amendment.)

S. B. No. 282, A bill to Be entitled "An Act amending subsections 19, 21 and 23 of Section 1, subsection 3 and 5 of Sec. 3, subsections 1, 2(b), 2(d) and 4 of Section 5, subsection (c) of Section 6 and subsection (e) of Section 8 of Senate Bill No. 47, Regular Session (carrying into effect Section 48a of Article III of the constitution of the State of Texas, which established a teacher Retirement system of Texas), as amended by House Bill No. 1016, Acts of the Forty-seventh Legislature, Regular Session (which House Bill No. 1016 amended Sections 1, 5, 6, 7, and 8 of said Senate Bill No. 47), as further amended by House Bill No. 602, Acts of the Forty-eighth Legislature, Regular Session (which House Bill No. 602 amended subsection (14) of Section 1, subsection (3) of Section 3, subsection 1 of Section 5, subsection (2) of Section 7, subsection 1, 5,

7 and 8 of Section 8, and Section 10 of said Senate Bill No. 47, Acts of the Forty-fifth Legislature, Regular Session), by changing and adding provisions so as to provide new definitions of the terms 'Prior Service Annuity,' 'Disability Retirement Allowance' and 'Service Retirement'; adding a provision that a member of the Teacher Retirement System who has twenty-five (25) years of creditable service shall be eligible for retirement upon attaining the age of sixty (60) years if he does not withdraw his contributions although said member may have been, prior to attaining said age, absent from the service for more than five (5) years in any period of six (6) consecutive years after becoming a member; providing for prior-service benefits to accrue under certain conditions to certain persons who were not in the service during the year in which the Teacher Retirement Act became effective and fixing a beginning date for said Teacher Retirement System; prescribing who may retire under said retirement act and the conditions required therefor; changing said requirements to permit the retirement forthwith of members who have attained the age of sixty (60) years and have twenty (20) years of creditable service if the said member shall elect, and making provision for the retirement of a member who has left the service prior to attaining the age of sixty (60) years and who has twenty-five (25) years of creditable service and further providing for the forthwith retirement of a member who has thirty (30) years of creditable service*regardless of the age attained and continuing the provisions relating to members who have attained the age of seventy (70) years; providing for prior-service annuity and the procedure for determining the same and increasing from one per centum to one and one-fourth per centum of average prior-service compensation in making said determination for prior-service annuity; deleting the provisions of subsection 2(d) relating to excess funds in the Prior-Service Annuity Reserve Fund; increasing the amount of Prior-service annuity in allowances for disability retirement; providing for the selection of one member of the Board of Trustees to be selected by the State Board of Education and confirmed by the Senate of the State of Texas; continuing certain provisions relat-

ing to current interest on members' contributions and adding a provision that a member who has twenty-five (25) years of creditable service shall continue to draw interest on his accumulated contributions until otherwise eligible for retirement under the retirement act (add a savings clause if one is desired); and declaring an emergency." (With amendments.)

S. B. No. 310, A bill to be entitled "An Act validating, ratifying, approving and confirming certain tax levies, proceedings and time warrants heretofore had or authorized by cities; providing that such time warrants may be legally refunded into negotiable bonds by such cities, and providing for the levy of sufficient taxes in payment thereof; providing that this Act shall not apply to any tax levies, proceedings, warrants or bonds, the validity of which has been contested in any pending suit or litigation; and declaring an emergency."

Respectfully submitted,
CLARENCE JONES,
Chief Clerk, House of Representatives.

Message from the Governor

The President laid before the Senate and directed the Secretary to read the following message received from the Governor today:

Austin, Texas,
April 23, 1947.

To the Members of the Fiftieth
Legislature:

Complying with the request contained in Senate Concurrent Resolution No. 30, I am returning to the Senate, Senate Bill No. 367 for correction of typographical error.

Respectfully submitted,
BEAUFORD JESTER,
Governor of Texas.

House Bill 623 on Second Reading

On motion of Senator Stewart, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time, on its second reading and passage to third reading:

H. B. No. 623, A bill to be entitled "An Act making appropriation of One Hundred Thousand Dollars (\$100,000) to be expended for the purpose of providing a permanent

berth for the Battleship 'Texas,' etc., and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 623 on Third Reading

Senator Stewart moved that the constitutional rule requiring bills to be read on three several days be suspended and that House Bill No. 623 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

Aikin	Morris
Brown	Parrish
Bullock	Phillips
Carney	Proffer
Cousins	Ramsey
Crawford	Stanford
Hardeman	Stewart
Harris	Strauss
Hazlewood	Taylor
Jones	Tynan
Kelly of Tarrant	Vick
Knight	Winfield
Lane	York
Moffett	

Absent—Excused

Chadick	Mauritz
Kelley of Hidalgo	Weinert

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—27

Aikin	Morris
Brown	Parrish
Bullock	Phillips
Carney	Proffer
Cousins	Ramsey
Crawford	Stanford
Hardeman	Stewart, L. Mrs.
Harris	Strauss
Hazlewood	Taylor
Jones	Tynan
Kelly of Tarrant	Vick
Knight	Winfield
Lane	York
Moffett	

Absent—Excused

Chadick	Mauritz
Kelley of Hidalgo	Weinert

House Bill 770 on Second Reading

On motion of Senator Bullock, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time, on its second reading and passage to third reading:

H. B. No. 770, A bill to be entitled "An Act amending Acts, 1943, 48th Legislature, Chapter 67, page 86, Section 2 by providing that said Act shall not apply to employment agencies engaged solely in the procurement of public school teachers and administrators; and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 770 on Third Reading

Senator Bullock moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 770 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

Aikin	Morris
Brown	Parrish
Bullock	Phillips
Carney	Proffer
Cousins	Ramsey
Crawford	Stanford
Hardeman	Stewart
Harris	Strauss
Hazlewood	Taylor
Jones	Tynan
Kelly of Tarrant	Vick
Knight	Winfield
Lane	York
Moffett	

Absent—Excused

Chadick	Mauritz
Kelley of Hidalgo	Weinert

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Reports of Standing Committees

By unanimous consent, the following reports were submitted at this time:

Austin, Texas,
April 23, 1947.

Hon Allan Shivers, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred House Bill No. 285, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

CARNEY, Chairman.

Austin, Texas,
April 23, 1947.

Hon Allan Shivers, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred House Bill No. 473, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

CARNEY, Chairman.

House Bill 778 on Second Reading

On motion of Senator Parrish, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time, on its second reading and passage to third reading:

H. B. No. 778, A bill to be entitled "An Act enabling home rule cities having a population of more than thirty-one thousand (31,000) inhabitants and not more than thirty-two thousand five hundred (32,500) inhabitants according to the 1940 Federal census, to establish two corporation courts; providing such courts shall have the usual jurisdiction now given to corporation courts by the General Laws of the State of Texas; enabling the governing body of such cities to prescribe the qualifications of the recorder of said courts; providing that cases may be transferred from one court to another; and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 778 on Third Reading

Senator Parrish moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 778 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

Aikin	Morris
Brown	Parrish
Bullock	Phillips
Carney	Proffer
Cousins	Ramsey
Crawford	Stanford
Hardeman	Stewart
Harris	Strauss
Hazlewood	Taylor
Jones	Tynan
Kelly of Tarrant	Vick
Knight	Winfield
Lane	York
Moffett	

Absent—Excused

Chadick	Mauritz
Kelley of Hidalgo	Weinert

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—27

Aikin	Morris
Brown	Parrish
Bullock	Phillips
Carney	Proffer
Cousins	Ramsey
Crawford	Stanford
Hardeman	Stewart
Harris	Strauss
Hazlewood	Taylor
Jones	Tynan
Kelly of Tarrant	Vick
Knight	Winfield
Lane	York
Moffett	

Absent—Excused

Chadick	Mauritz
Kelley of Hidalgo	Weinert

House Bill 375 on Second Reading

On motion of Senator Proffer, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 375, A bill to be entitled "An Act amending Article 2700, Revised Civil Statutes of Texas, 1925, as amended by House Bill No. 328, Acts of the Forty-eighth Legislature, Regular Session, 1943, as further amended by House Bill No. 292, Acts of the Forty-ninth Legislature, Reg-

ular Session; pertaining to the salaries of elective County Superintendents and to office and traveling expenses; providing for salaries of County Superintendents in Counties having less than eight thousand and one (8,001) scholastic population under certain conditions; providing for assistants to the County Superintendents; providing for the employment of assistants to the County Superintendents in counties having a population of more than one hundred thousand (100,000) according to the last Federal census; providing for supervisors and their compensation; providing for the manner of payment of county administration expense; providing for budgets for the purpose; providing for administration of the Act; repealing all General Laws in conflict herewith except such General Laws as provide for a part of the office expense to be paid out of the general revenue of the county; and declaring an emergency."

The bill was read second time.

Senator Proffer offered the following amendment to the bill:

Amend House Bill No. 375 by inserting the words "and appointive" after the word "elective" and before the words "county superintendents" on line one of the bill passed by the House of Representatives, and amend the caption to conform.

The amendment was adopted.

House Bill No. 375 was passed to third reading.

House Bill 375 on Third Reading

Senator Proffer moved that the constitutional rule requiring bills to be read on three several days be suspended and that House Bill No. 375 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—26

Aikin	Jones
Brown	Knight
Bullock	Lane
Carney	Moffett
Cousins	Morris
Crawford	Parrish
Hardeman	Phillips
Harris	Proffer
Hazlewood	Ramsey

Stanford	Tynan
Stewart	Vick
Strauss	Winfield
Taylor	York

Nays—1

Kelly of Tarrant

Absent—Excused

Chadick	Mauritz
Kelley of Hidalgo	Weinert

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—25

Aikin	Morris
Brown	Parrish
Bullock	Phillips
Carney	Proffer
Cousins	Ramsey
Crawford	Stanford
Hardeman	Strauss
Harris	Taylor
Hazlewood	Tynan
Jones	Vick
Knight	Winfield
Lane	York
Moffett	

Nays—1

Kelly of Tarrant

Present—Not Voting

Stewart

Absent—Excused

Chadick	Mauritz
Kelley of Hidalgo	Weinert

Concert By Texas Square Dance Band

Upon the direction of the President, the Texas Square Dance Band, under the direction of Mrs. Paul Baker, approached the bar of the Senate and rendered a brief program of square dance music.

At the conclusion of the program, the President thanked Mrs. Baker and the Band, on the part of the Senate, for the concert.

Adjournment

On motion of Senator Harris, the Senate, at 4:40 o'clock p. m., adjourned until 10:30 o'clock a. m., tomorrow.

FIFTY-SEVENTH DAY

(Thursday, April 24, 1947)

The Senate met at 10:30 o'clock a. m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Moffett
Brown	Morris
Bullock	Phillips
Carney	Proffer
Cousins	Ramsey
Crawford	Stanford
Hardeman	Stewart
Harris	Strauss
Jones	Taylor
Kelly of Tarrant	Tynan
Knight	Vick
Lane	Winfield

A quorum was announced present.

Reverend J. E. Chester, Chaplain, offered the invocation.

On motion of Senator Proffer, and by unanimous consent, the reading of the Journal of proceedings of yesterday, was dispensed with and the Journal approved.

Leaves of Absence Granted

Senator Hazlewood was granted leave of absence for today on account of illness on motion of Senator Aikin.

Senator Chadick was granted leave of absence for today on account of important business on motion of Senator Carney.

Senator Kelley of Hidalgo was granted leave of absence for today on account of important business on motion of Senator Winfield.

Reports of Standing Committees

Senator Morris submitted the following reports:

Austin, Texas.
April 24, 1947.

Hon. Allan Shivers, President of the Senate.

Sir: Your Committee on Highways and Motor Traffic, to whom was referred Senate Bill 323, instructs me to report it back to the Senate with the recommendation that it do pass and be printed.

MORRIS, Chairman.